

UNIQUELY GERMAN LEGAL ISSUES

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1. DUI AND DWI IN GERMANY

If you plan to try any of the delicious German beers, remember that they have a higher alcohol content than American beers. Just one could put you over the German limit (which is much lower than the United States) for driving. German Polizei will ticket you if they catch you driving with a BAT of 0.5 or greater. If your BAT is 0.5 to 0.8, the Polizei will probably give you a DUI misdemeanor ticket. If your BAT is 0.8 to 1.0, you could receive a felony DWI ticket and jail time. At BAT 1.0 and above, you will receive a felony DWI ticket and could serve time in jail. No matter what your BAT, the CG will issue a General Officer Memorandum of Reprimand, which could be placed in your official file. Act responsibly; walk home, take a cab, or make sure you have a responsible, sober designated driver.

2. HOTEL RESERVATIONS

If you make a reservation at a hotel and then do not use it or cancel it in a timely manner, the hotel may claim for damages. Damages are approximately 70% of the room price. Under German law, a reservation is a binding contract. If you do not use the room, you have breached the contract. If the hotel was able to rent the room to another customer, the hotel is not entitled to damages. Ask your hotel about their cancellation policy.

3. CONTRACTS

Beware when you are talking with German salespeople; verbal contracts are binding if they can be proven! Do not tell them you are going to buy something and then disappear. There is no general "cooling-off" period under German law, one-sided terminations are allowed in some cases, such as installment contracts, but regularly require a written termination notice. All other contracts allow a termination only in cases where the other party agrees, or seriously violates the contract. This is true no matter the value of the contract. If a party to a contract cannot pay due to a change in their personal finances, the contract cannot be terminated, even if the party will be financially ruined.

4. GERMAN TRAFFIC LAWS

German traffic law is very conservative and treats a vehicle like a loaded gun. The law states that "the driver may not turn (or back or enter the road, or pass or switch lanes, etc.) unless the driver is sure there is no risk to others." You should be 100% sure there is a 0% risk to others in your traffic maneuvers. The standard of care required is so high that it seems logically unattainable in normal traffic situations. Nevertheless, the police and the courts use this standard, mitigated (at times) by common sense. Because of this high standard, often BOTH parties to an accident are fined or held liable. When you are driving on German roads take extra care and obey all German traffic signs.